

ERIC WEINER , Individually and on Behalf of)	
All Others Similarly Situated,)	Case No. 3:17-CV-01469
)	
Plaintiff,)	Chief Judge Crenshaw
v.)	Magistrate Judge Newbern
)	
TIVITY HEALTH, INC., DONATO)	
TRAMUTO, GLENN HARGREAVES , and)	
ADAM HOLLAND ,)	
)	
Defendants.)	
)	

WHEREAS, Oklahoma Firefighters Pension and Retirement System (“Movant” or “Oklahoma Firefighters”) filed a Motion for Appointment as Lead Plaintiff and for Approval of Selection of Lead Counsel and Liaison Counsel (the “Lead Plaintiff Motion”), pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 (“PSLRA”);

WHEREAS, Oklahoma Firefighters is the only plaintiff that filed a motion for appointment as lead plaintiff pursuant to the PSLRA and, thus, the Lead Plaintiff Motion is unopposed;

WHEREAS, the parties, by and through their respective counsel signed below, have so agreed,

1. The Court hereby appoints Oklahoma Firefighters as Lead Plaintiff in this action. Oklahoma Firefighters satisfies the requirements for lead plaintiff appointment pursuant to Section 21D(a)(3)(B) of the Exchange Act, as amended by the PSLRA;

2. Lead Plaintiff Oklahoma Firefighters, pursuant to Section 21D(a)(3)(B)(v) of the Exchange Act, as amended by the PSLRA, has selected and retained Cohen Milstein Sellers & Toll PLLC as Lead Counsel and Branstetter, Stranch & Jennings as Liaison Counsel for this action, and the Court approves those selections;

3. Lead Counsel shall have the following responsibilities and duties:

- (a) to coordinate the briefing and argument of motions;
- (b) to coordinate the conduct of discovery proceedings;
- (c) to coordinate the examination of witnesses in depositions;
- (d) to coordinate the selection of counsel to act as a spokesperson at pretrial conferences;
- (e) to call meetings of the plaintiffs' counsel as they deem necessary and appropriate from time to time;
- (f) to coordinate all settlement negotiations with counsel for defendants;
- (g) to coordinate and direct the pretrial discovery proceedings and the preparation for trial and the trial of this matter and to delegate work responsibilities to selected counsel as may be required; and
- (h) to supervise any other matters concerning the prosecution, resolution or settlement of this action.

4. No motion, request for discovery, or other pretrial proceedings shall be initiated or filed by any plaintiffs without the approval of Lead Counsel, so as to prevent duplicative pleadings or discovery by plaintiffs. No settlement negotiations shall be conducted without the approval of Lead Counsel;

5. Counsel in any related action that is consolidated with this action shall be bound by this selection of Lead Counsel;


6. Lead Counsel shall have the responsibility of receiving and disseminating Court orders and notices;

7. Defendants shall effect service of papers on plaintiffs by serving a copy on Lead Counsel by overnight mail service, electronic mail, or hand delivery;

8. Lead Plaintiff shall file an amended complaint within sixty (60) days of the date this Order is entered;

9. Defendants shall respond to the amended complaint within sixty (60) days of the date the amended complaint is filed. If Defendants file a motion to dismiss, Lead Plaintiff shall respond to the motion within forty-five (45) days of the date the motion to dismiss is filed, and Defendants shall file their reply in further support of the motion to dismiss within twenty-one (21) days of the date the response is filed.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
Chief United States District Court Judge

CONSENTED TO BY:

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